



HON. SYLVIA O. HINDS-RADIX  
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August 17, 2022

**VIA ECF**

Hon. Katherine Polk Failla  
Thurgood Marshall  
United States Courthouse, Room #618  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

Re: *L.H., et. al. v. New York City Dep't of Educ.*, 22-cv-06430(KPF)(SDA)

Dear Judge Failla:

I am an Assistant Corporation Counsel in the office of Corporation Counsel, Hon. Sylvia O. Hinds-Radix, supervising attorney for the Defendant in the above-referenced action, wherein Plaintiff solely seeks attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et. seq.* ("IDEA"), as well as for this action.

I write to respectfully request a ninety (90) day extension of Defendant's time to respond to the Complaint from August 19 to November 16, 2022, and to adjourn the Initial Pre-Trial Conference ("IPC") currently scheduled for September 21, 2022, *sine die*. This is the first request to adjourn the conference and to extend Defendant's time to file a response to the Complaint. Plaintiff consents to both requests.

The requested extension will allow Defendant sufficient time to complete its internal review process and present an offer of settlement. We note that Defendant has fully resolved many similar IDEA fees-only cases brought by Ratcliff Law PLLC without the need for motion practice nor any Court intervention, and are hopeful this case will follow the same course.

Additionally, Defendant has satisfied Plaintiff's implementation claims alleged in the complaint. On August 17, 2022, Defendant informed Plaintiff's counsel that the tuition related claims are now moot, making this action a fees-only case.

Accordingly, Defendant respectfully requests an extension of its time to respond to the Complaint to November 16, 2022, and that the IPC be adjourned *sine die*.

Thank you for considering these requests.

Respectfully submitted,

/s/ Martin Bowe

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Martin Bowe, Esq.  
Assistant Corporation Counsel

cc: Jennifer Alicia Ratcliff, Esq. (Attorney for Plaintiff via ECF)

Application GRANTED. Defendant shall file its response to the complaint on or before **November 16, 2022**. Additionally, the initial pretrial conference in this case is hereby ADJOURNED *sine die*.

The Clerk of Court is directed to terminate the motion at docket entry 8.

Dated: August 18, 2022  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE